

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY WATKINS,
Plaintiff,

02-CV-0033E(Sc)

-vs-

COMMISSIONER OF SOCIAL SECURITY
Defendant.

ORDER

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on November 16, 2006 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that said Report and Recommendation is fully confirmed, that the plaintiff's motion for judgment on the pleadings is denied, that the defendant's motion for judgment on the pleadings is granted and that the Commissioner's decision is affirmed.

DATED: Buffalo, N.Y.

November 30, 2006

/s/ John T. Elfvin

JOHN T. ELFVIN
S.U.S.D.J.